

# Exhibit 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:20-cv-00019-FDW

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WILLIAM F. MACKEY,  
Plaintiff,

v.

WELLS FARGO BANK, N.A.,  
Defendant.  
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DEPOSITION  
OF  
WILLIAM F. MACKEY

Taken at:

Seyfarth Shaw, LLP  
121 West Trade Street, Suite 2020  
Charlotte, North Carolina

On Tuesday, September 22, 2020

REPORTER: CHRISTINE A. TAYLOR, RPR  
Notary Public

1 A. I can't say.

2 Q. Okay. Can you look in your Complaint and tell me  
3 whether you're claiming you were denied another  
4 promotion other than the SOSS IV position?

5 A. Yes. I was denied -- well, I was -- I applied for  
6 other positions that would have --

7 Q. That's not my question. My question is are you  
8 claiming that you were denied any other promotions  
9 because of your race and/or your sex in your lawsuit  
10 against Wells Fargo?

11 A. No.

12 MS. BROWN: When you say other  
13 promotions, I just want to make sure he's clear  
14 and I'm clear. If he was at an SOS III and the  
15 only real promotion available to him would be a  
16 IV, how could he have been denied other  
17 promotions?

18 MR. SMITH: Alesha, I'm not here to  
19 question you.

20 MS. BROWN: Yeah. Sure.

21 MR. SMITH: Nor am I -- I've given you  
22 a lot of latitude. Nor am I interested in your  
23 testimony.

24 MS. BROWN: I'm just trying to  
25 understand the question, Fritz.



1 MR. SMITH: It's pretty clear.

2 My question was are you claiming that  
3 you've been denied other promotions because of  
4 your race and/or your sex in this lawsuit?

5 I don't know how I can ask that any  
6 clearer. You can make all the arguments you  
7 want. But I don't want you framing any more  
8 questions, nor do I want you testifying.

9 MS. BROWN: Well, I'm certainly not  
10 testifying. I'm just trying to make sure the  
11 questions are clear.

12 BY MR. SMITH:

13 Q. Did you understand my question, sir?

14 Okay. We'll do it over again. I'll make it  
15 even simpler.

16 Are you claiming that you were denied any other  
17 promotions because of your race in this lawsuit?

18 A. No.

19 Q. Are you claiming that you were denied any other  
20 promotions because of your sex in this lawsuit?

21 A. I can't say.

22 Q. Why not?

23 A. Why I can't say?

24 Q. Yeah.

25 A. Because, I mean, this is the only promotion I've been



1 denied, you know. I mean, I applied for other  
2 positions and I was only under their leadership.

3 Q. So are you claiming that other positions that you  
4 applied for and were denied, that you were denied  
5 those other positions because of your gender?

6 A. Well, can I explain?

7 Q. Yeah, you can explain.

8 A. Why is it so hard for me to answer your question?

9 Q. Yeah.

10 A. Is because I was brought in as the only black male of  
11 the group, and I am the only black -- I am the only  
12 individual at that group that has not been able to be  
13 promoted. And the only place that I can go is to the  
14 IV at the point if I was to be promoted. But I would  
15 have to apply for other positions within the group.  
16 So that's why it's very hard for me to say.

17 You know, and it's written -- if I'm the only  
18 black man that can't be promoted -- I mean, only  
19 person that can't be promoted and I'm the only black  
20 male on the team, that's telling me discrimination is  
21 there.

22 Q. Are you -- do you think you should have been put into  
23 some other position and that you were denied some  
24 other position at the bank because of your race or  
25 your sex?

1 A. I can't say that.

2 Q. So your salary was bumped up to \$51,584 in 2019;  
3 correct?

4 A. Correct.

5 Q. Then you received a raise in 2020; correct?

6 A. Yes.

7 Q. Okay. To 52,582.40?

8 A. Correct.

9 Q. Is that your current salary?

10 A. Yes.

11 Q. Okay. And do you believe that the salary that the  
12 bank paid you in 2019 and 2020 is discriminatory?

13 A. Yes, I do.

14 Q. Okay. And why?

15 A. Because I'm still in the same boat I was when I came  
16 into the department. If you look at the job code and  
17 job family, I was still getting in the same boat.

18 Q. How are you in the same boat?

19 A. Because the pay scale has -- has arisen from 2010 to  
20 2018 -- well, 2018, 2020.

21 Q. How many SOSS IVs are there in Charlotte on your team?

22 A. In Charlotte, SOSS IV, one, two, three, four, five.  
23 There's five of us.

24 Q. Who?

25 A. Anna Taylor, Kathie Little, Tracy Prince, Cecile



1 MS. BROWN: Yeah.

2 MR. SMITH: We're going to reserve the  
3 right to keep the deposition open to delve  
4 further into that subject.

5 BY MR. SMITH:

6 Q. How many times have you seen Dwayne?

7 A. I'd say around about eight visits. I mean, I think  
8 it's been about two months, somewhere -- give or take  
9 eight visits.

10 Q. Has any healthcare professional said that your Type 2  
11 diabetes has been impacted by Wells Fargo treatment of  
12 you?

13 A. No.

14 Q. And has any healthcare provider opined that the  
15 hypertension that you suffer from and your  
16 hospitalization in 2017 or 2018 was as a result of  
17 Wells Fargo's alleged treatment of you?

18 A. No.

19 Q. You were first prescribed medication for stress three  
20 or four months ago; is that correct?

21 A. Yeah, in June. I believe it was in June because I  
22 think that's when she went out on leave.

23 Q. And who are you referring to?

24 A. Dr. Mistretta. My primary doctor, Dr. Mistretta. I  
25 believe it's spelled M-i-s-t-r-e-t-t-a.



1 Q. She's your primary care physician?

2 A. Yes.

3 Q. And why did she prescribe stress medication for you  
4 beginning three or four months ago?

5 A. Well, she done a stress test on me and she prescribed  
6 it.

7 Q. Did she make any diagnosis as to the cause or causes  
8 of your stress?

9 A. No.

10 Q. Did she opine that the stress is a need for the stress  
11 medication as a result of Wells Fargo's treatment of  
12 you?

13 A. No. Well, maybe -- I don't know whether it was  
14 because of my blood level, elevated.

15 Q. Has she told you that you -- your blood elevated, you  
16 mean blood pressure?

17 A. Yeah, blood pressure.

18 Q. You've got high blood pressure?

19 A. Yeah.

20 Q. Has she opined your high blood pressure is as a result  
21 of Wells Fargo's treatment of you?

22 A. I don't -- no.

23 Q. So we started off on this line of questioning asking  
24 you about whether you had been impacted, and you said  
25 financially and emotionally, and emotionally led to a